Application No.: 10/758,039

REMARKS

The Examiner has maintained the rejection of claims 24, 25 and 39 under 35 U.S.C. § 102 as being anticipated by Phillips et al. '595 ("Phillips"). This rejection is respectfully traversed for the following reasons.

Clarified Advisory Action only

In order to expedite prosecution, Applicants' representative initiated a telephone interview with Examiner Wimer. Applicants and Applicants' representative would like to thank Examiner Wimer for his detailed comments in the Advisory Action making his position clear, his courtesy in conducting the interview and for his assistance in resolving issues. During the interview, Applicants indicated that an amendment would be filed which incorporated features which the Examiner implied in the Advisory Action are not disclosed by Phillips.

For example, as amended, each of independent claims 24 and 39 embodies a second radiation-conductive element having ***walls perpendicular to the surface of the grounding substrate***. One exemplary embodiment is shown, for example, in Figure 35 of Applicants' drawings wherein the radiation-conductive element 43 has walls which are perpendicular to the grounding substrate 41. It is respectfully submitted that such a feature, in the particular combination of elements recited in claims 24 and 39, distinguishes the present invention over the *broadly* interpreted *parallel* conductors of Phillips as implicitly acknowledged by the Examiner in the outstanding Advisory Action (see lines 15-17 of the continuation page).

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Phillips does not anticipate claims 24 and 39.

all drawing changes approved by examiner CMW 3/10/05

REMARKS

The Examiner's objection to the drawings is noted. Applicants submit herewith corrected drawings which address the Examiner's objections. With respect to shading of elements 11, 12, 13, 15 and 8, it is submitted that using a unique cross-hatching for different materials is suggested by MPEP § 608.02(IX) *when* the material is an important element/feature of the invention. It is not a requirement for a drawing illustrating a cross-section of an element to identify the specific material of the element, as a given element can be made from one of multiple materials. Accordingly, the *generic* cross-hatching of elements 11, 12, 13, 15 and 8 is believed appropriate.

Claims 24, 25 and 39 stand rejected under 35 U.S.C. § 102 as being anticipated by Phillips et al. '595 ("Phillips"). This rejection is respectfully traversed for the following reasons.

Both independent claims 24 and 39 recite in pertinent part, "a first radiation-conductive element arranged substantially in parallel with a grounding substrate ... [and] a second radiation-conductive element arranged substantially in vertical to the grounding substrate ... ." The Examiner has broadly interpreted element 42 of Phillips as the claimed first radiation-conductive element and reads element 26 or 28 as the claimed second radiation-conductive element. Although it is understood that the Examiner can interpret claim language as broadly as *reasonably* possible, the Examiner can not interpret claim language in a manner that would be inconsistent with the recognized meaning of a claimed term as understood by one of ordinary skill in the art.

In this regard, it is respectfully submitted that one of ordinary skill in the art would not interpret the high Q circuit element 42 of Phillips as a "radiation-conductive element." Phillips does not suggest that the high Q circuit element 42 emits radio waves. Indeed, Phillips teaches away from such a broad interpretation by expressly identifying the antenna's radiation elements as